

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:03-CR-92-1H

UNITED STATES OF AMERICA

v.

WALTER CURTIS GRIFFIN, JR.,
Defendant.

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**ORDER
AMENDING JUDGMENT**

This matter is before the court on defendant's motion pursuant to 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u). Defendant was previously convicted of possession with intent to distribute at least 5 grams of cocaine base (crack) in violation of 21 U.S.C. § 841(a)(1) ("count one") and possession of a firearm during and in relation to a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1)(A) ("count two"). On October 27, 2003, defendant was sentenced to 84 months' imprisonment on count one and a consecutive term of 60 months' imprisonment on count two, for a total sentence of 144 months. On October 22, 2008, this court reduced defendant's sentence on count one to 70 months pursuant to 18 U.S.C. § 3582(c)(2) based on the revised base offense levels for crack cocaine as set forth in U.S. Sentencing Guidelines § 2D1.1.

The court finds that defendant is eligible for a reduction of the sentence imposed on count one pursuant to 18 U.S.C. § 3582(c)(2). However, defendant is not eligible for any reduction in the sentence imposed on count two.

The court has considered the policy statement set forth at U.S. Sentencing Guideline § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 355(a), and hereby GRANTS defendant's motion for a reduction in the sentence imposed on count one. The court ORDERS that defendant's sentence as to count one be reduced from 70 months to 60 months. Defendant's sentence as to count two remains the same (60 months, to run consecutively to the sentence imposed on count one). Defendant shall be committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 120 months. If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "time served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

Except as provided herein, all provisions of the judgment dated October 27, 2003, shall remain in effect.

This 21st day of November 2011.



MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
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